

INTRODUCED: May 29, 2018

AN ORDINANCE No. 2018-161

To authorize the special use of the property known as 3413 S Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUNE 25 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 3413 S Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a single-family attached dwelling, which use, among other things, does not meet the requirements of sections 30-410.6, concerning lot coverage, and 30-710.1, concerning off-street parking requirements, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUNE 25 2018 REJECTED: _____ STRICKEN: _____

congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 3413 S Street and identified as Tax Parcel No. E000-1104/007 in the 2018 records of the City Assessor, being more particularly shown on a survey entitled “Plat of Property Situated, on the Southern Line of, S Street and East of 34th. Street, City of Richmond, Virginia,” prepared by Steven B. Kent & Associates, P.C., and dated May 24, 2017, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a single-family attached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “3413 S Street, Proposed Site Plan,” prepared by Positive K, LLC, and undated, and the plans entitled “3413 S Street,” prepared by an unknown preparer, and undated, hereinafter referred to collectively as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be a single-family attached dwelling, substantially as shown on the Plans.

(b) No off-street parking shall be required for the Special Use.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(d) The height of the Special Use shall not exceed the height as shown on the Plans.

(e) All building materials and elevations shall be substantially as shown on the Plans.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the public right-of-way, including the installation of a new street tree, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the

requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building

Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request

File Number: PRE.2018.034

RECEIVED

O & R REQUEST

MAY 03 2018

APR 17 2018

4-7721

Office of the

Chief Administrative Officer


OFFICE OF CITY ATTORNEY


O & R Request

DATE: April 17, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor 
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer 

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning  4-17-18

FROM: Mark A. Olinger, Director, Department of Planning and Development Review 

RE: To authorize the special use of the property known as 3413 S Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3413 S Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

REASON: The applicant is proposing to construct an addition to an existing single-family attached dwelling which would cause the property to exceed the lot coverage requirement of the R-5 Single-Family Residential District. A special use permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its June 4, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 1,727 SF or .04 acre parcel of land improved with an existing two story, 992 SF vacant building constructed, according to tax assessment records, in 1910. The

building is located in the East Planning District and the City's Oakwood neighborhood.

The City of Richmond's Master Plan designates the subject property for Single-Family Low Density land uses which includes, "...single-family detached dwellings at densities up to seven units per acre... (as well as) ...residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5." (City of Richmond, Master Plan, p.133).

Specifically for the East District, the Master Plan states "vacant and deteriorating housing is a problem district-wide...A continued need exists to stabilize older low-income residential neighborhoods such as...Oakwood" (p. 163). "Structures deemed appropriate for rehabilitation should be revitalized in order to maintain as much of the area's stock of architecturally significant buildings as possible and improve the neighborhood." (p. 169).

The current zoning for this property and adjacent properties is R-5 Single-Family Residential. Single- and two-family residential uses predominate the area, with some institutional and commercial land uses present as well.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: May 14, 2018

CITY COUNCIL PUBLIC HEARING DATE: June 11, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, June 4, 2018

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans & Survey, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734

PDR O&R No. 18-07



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new**
- special use permit, plan amendment**
- special use permit, text only amendment**

Project Name/Location

Property Address: 3413 S Street Richmond, VA 23223 Date: 08/28/2017
 Tax Map #: E0001104007 Fee: \$300
 Total area of affected site in acres: 0.04 (PER CITY GIS)

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-5

Existing Use: RESIDENTIAL/VACANT (R-5)

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
SF RESIDENTIAL- SEE ATTACHED APPLICANT'S REPORT

Existing Use: RESIDENTIAL/VACANT

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: MARY A. PEARSON, AICP

Company: POSITIVE K, LLC
 Mailing Address: 2605 FENDALL AVENUE
 City: RICHMOND State: VA Zip Code: 23222
 Telephone: (540) 5,208,182 Fax: ()
 Email: FENDALLRVA@GMAIL.COM

Property Owner: POSITIVE K, LLC

If Business Entity, name and title of authorized signee: MARY A. PEARSON, MANAGING MEMBER

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest)

Mailing Address: SEE ABOVE
 City: _____ State: _____ Zip Code: _____
 Telephone: () Fax: ()
 Email: _____

Property Owner Signature: Mary A Pearson

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

Applicant's Report
SUP Application
3413 S Street

Introduction

The property owner, Positive K LLC, requests a special use permit for 3413 S Street, Richmond, Virginia, 23222 (the "Property"). The special use permit would authorize the construction of an addition which would exceed the R-5 zoning maximum lot coverage ratio.

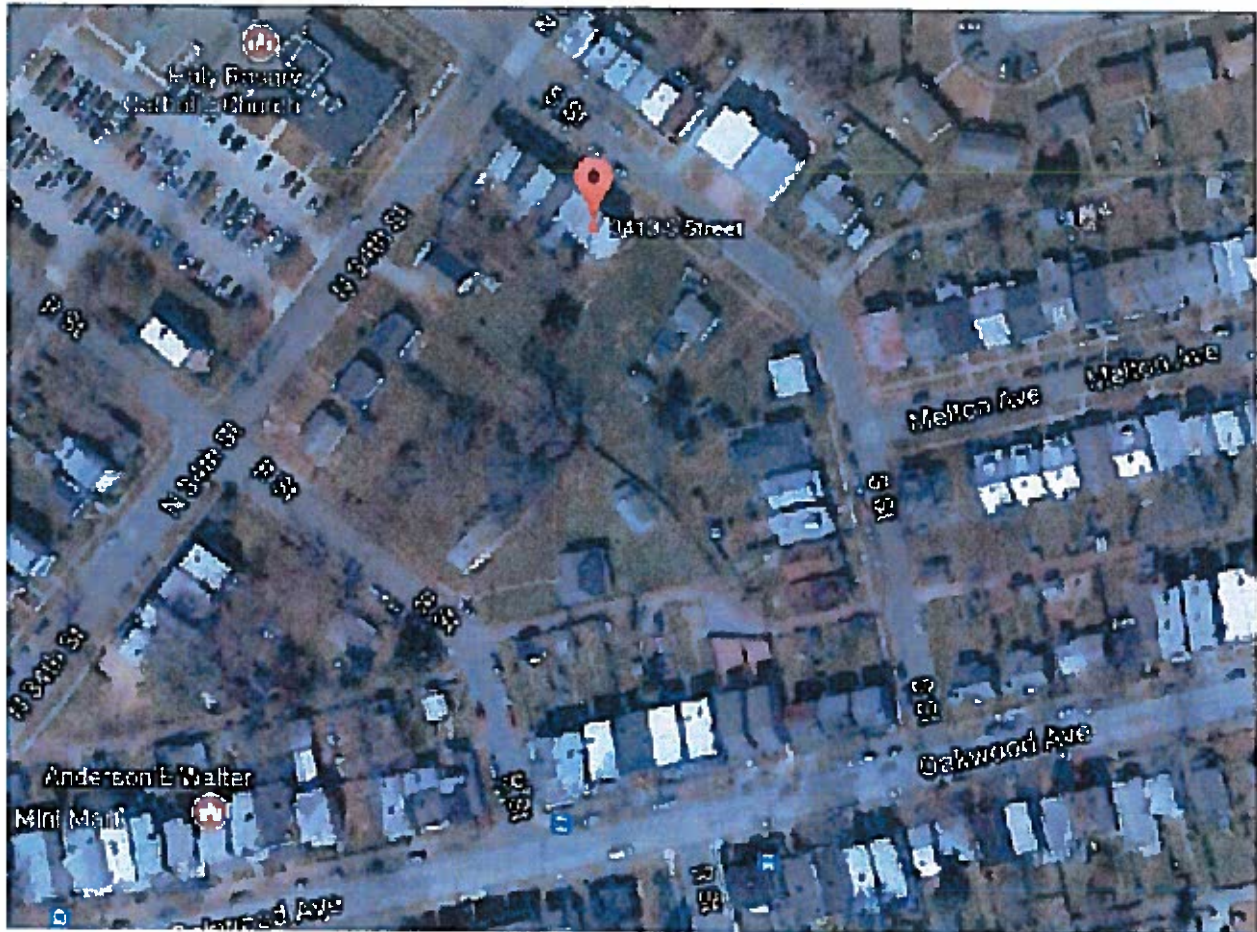
Existing Conditions

The Property consists of a narrow rectangular lot. The parcel is referenced by the City Assessor as tax parcel number E000-1104/007. The lot size is 1,727.07 square feet. It contains a two-story single-family residential dwelling which shares a party wall with a similar dwelling located at 3415 S Street, also owned by the applicant.



The area is largely residential, characterized by two-story wood frame semi-detached and detached row-houses and bungalows situated on narrow rectangular lots. The Property is part of a row of eight similarly configured lots, each containing a semi-detached, two-story wood frame house. To the north across S Street is a complementary row of two-story wood frame single-family dwellings. To the west across 34th Street is a church and surface parking lot.

Properties to the south and east are single-family dwellings on narrow rectangular lots with a handful of larger lots created by idiosyncrasies in the street grid.



The current zoning is R-5, Single Family Residential. Like the majority of the parcels on the 3400 Block of S Street and surrounding blocks, the Property is nonconforming with respect to the 6,000 square-foot minimum lot size and 50-foot minimum lot width requirements of R-5 zoning. The East Planning District Land Use Plan from the City of Richmond's 2000-2010 Master Plan designates the Property as Single-Family (low density).

Proposal

Purpose of Request

The purpose of this request is to permit the construction of a two-story, 469 square-foot addition to the Property, as part of the historic rehabilitation of 3413 and 3415 S Street. The project would comply with the recommendations of the Master Plan and would be consistent with the R-5 zoning classification. However, the proposed addition would exceed the maximum lot coverage ratio. Therefore a special use permit is required.

Project Summary

The existing structure at 3413 S Street is a two-story house with a total of five rooms, including two bedrooms and one full bathroom. The existing finished living space contains a footprint of 496 square feet, for a total of 992 square feet. The property formerly contained a one-story

extension at the rear of the structure, but this has been demolished. The proposed addition would match the footprint of the former extension, and would create room to add a third bedroom and second full bathroom to the Property.

The proposed addition would create a total building footprint of 730.27 square feet, creating a total lot coverage ratio of **42.28%**, which exceeds the R-5 zoning requirement of a maximum of **35%** lot coverage ratio. The applicant intends to construct a matching addition (with shared party wall) to the adjacent property at 3415 S Street, which is permissible due to 3415 S Street having a slightly larger lot size. However, due to the shared party wall, applicant's building permit and zoning approval for 3415 S Street are contingent upon obtaining a special use permit for the proposed addition for 3413 S Street.

The Property is located in the Oakwood-Chimborazo State and Federal Historic District. Applicant's rehabilitation plans, including the proposed addition, have been conditionally approved by the Virginia Department of Historic Resources and the National Park Service as being consistent with the Secretary of the Interior's Standards for Historic Rehabilitation. Remnants of footings and party walls suggest that all eight of the matching semi-detached row houses on this block were built with rear-extensions, although only five of the eight still retain these rear extensions.

The Property is currently vacant and in a state of disrepair. Improvements to the Property will eliminate blight and benefit the safety, health and general welfare of the surrounding community. No additional congestion in streets, alleys or other is anticipated; any congestion from construction vehicles would be temporary. Similarly, the proposal is not anticipated to cause overcrowding of land and an undue concentration of population, or to interfere with adequate light and air. As an existing structure is proposed to be improved, no adverse impacts to schools, parks, water/sewer, transportation or related is anticipated.

According to Federal Emergency Management Agency (FEMA) flood map 5101290042D, the Property is outside of floodplain and flood zone boundaries.

According to the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory, there are no wetlands on the Property.

The survey conducted on this parcel did not identify any streams on the Property. As no wetlands or streams exist on the Property, the proposal would not impact Chesapeake Bay Preservation Areas (either Resource Protection Areas or Resource Management Areas).

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- *Be detrimental to the safety, health, morals, and general welfare of the community involved.*

The proposed special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed development would allow the

existing vacant structure to be rehabilitated in a manner that retains its historic character while creating room for modern living and amenities.

- *Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.*

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The proposal does not change the use of the Property, and is designed to be consistent with the Property's master-plan recommendation for low-density single-family residential use.

- *Create hazards from fire, panic, or other dangers.*

The proposed special use permit will not create hazards from fire, panic, or other dangers. The Property will be developed in compliance with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services, which are designed to eliminate such hazards.

- *Tend to overcrowding of land and cause an undue concentration of population.*

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population. The proposed density and form are appropriate to the Property's location, compatible with the surrounding neighborhood, and consistent with the recommendations of the Master Plan.

- *Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences, and improvements.*

The special use permit would not adversely affect the above-referenced City services. The proposal, which seeks a minimal increase in lot coverage for an existing dwelling unit, will have no material impact on the above-referenced considerations.

- *Interfere with adequate light and air.*

The light and air available to the Property or its surrounding neighborhood will not be affected. The proposed addition will not encroach on setback requirements will not interfere with the provision of adequate light and air.

S STREET

GRASS STRIP

WALKWAY

GRASS STRIP

Yoshino Cherry tree to be added

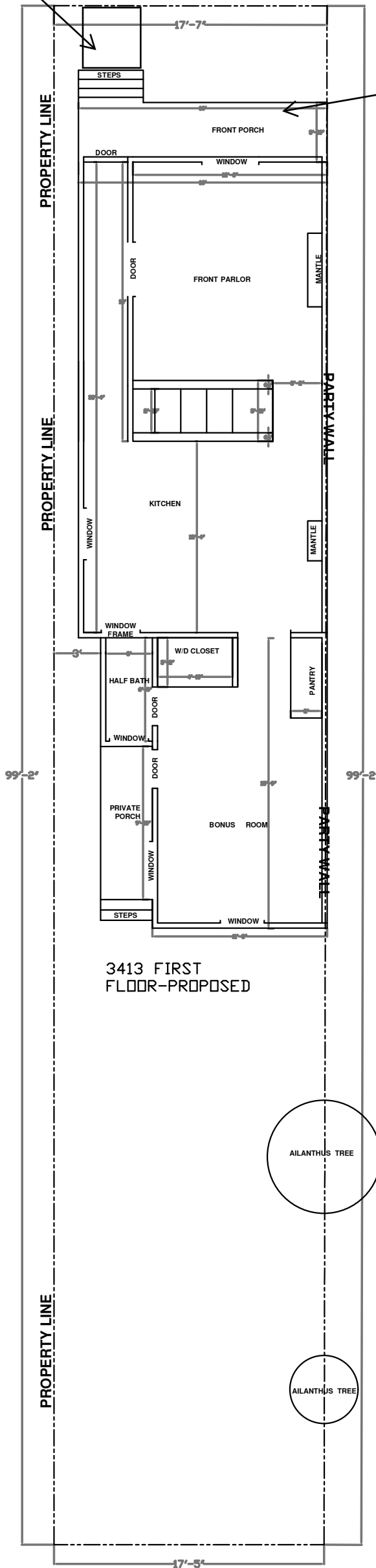
Walkway to be improved in place

SIDEWALK

Front porch to be improved in place. Historically appropriate roof to be added.

**3411
S STREET**

**3415
S STREET**



3413 FIRST FLOOR-PROPOSED

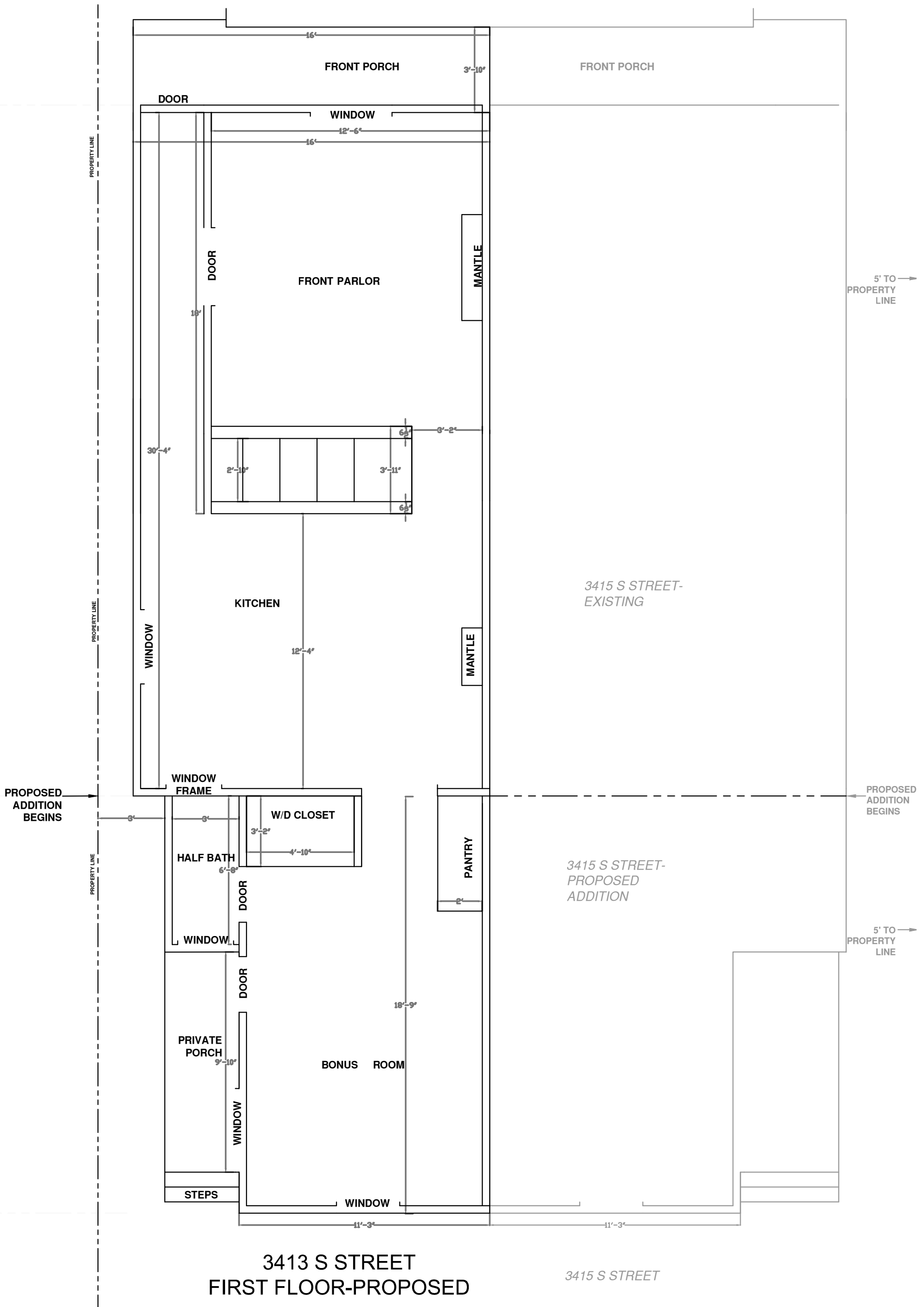
AILANTHUS TREE

AILANTHUS TREE

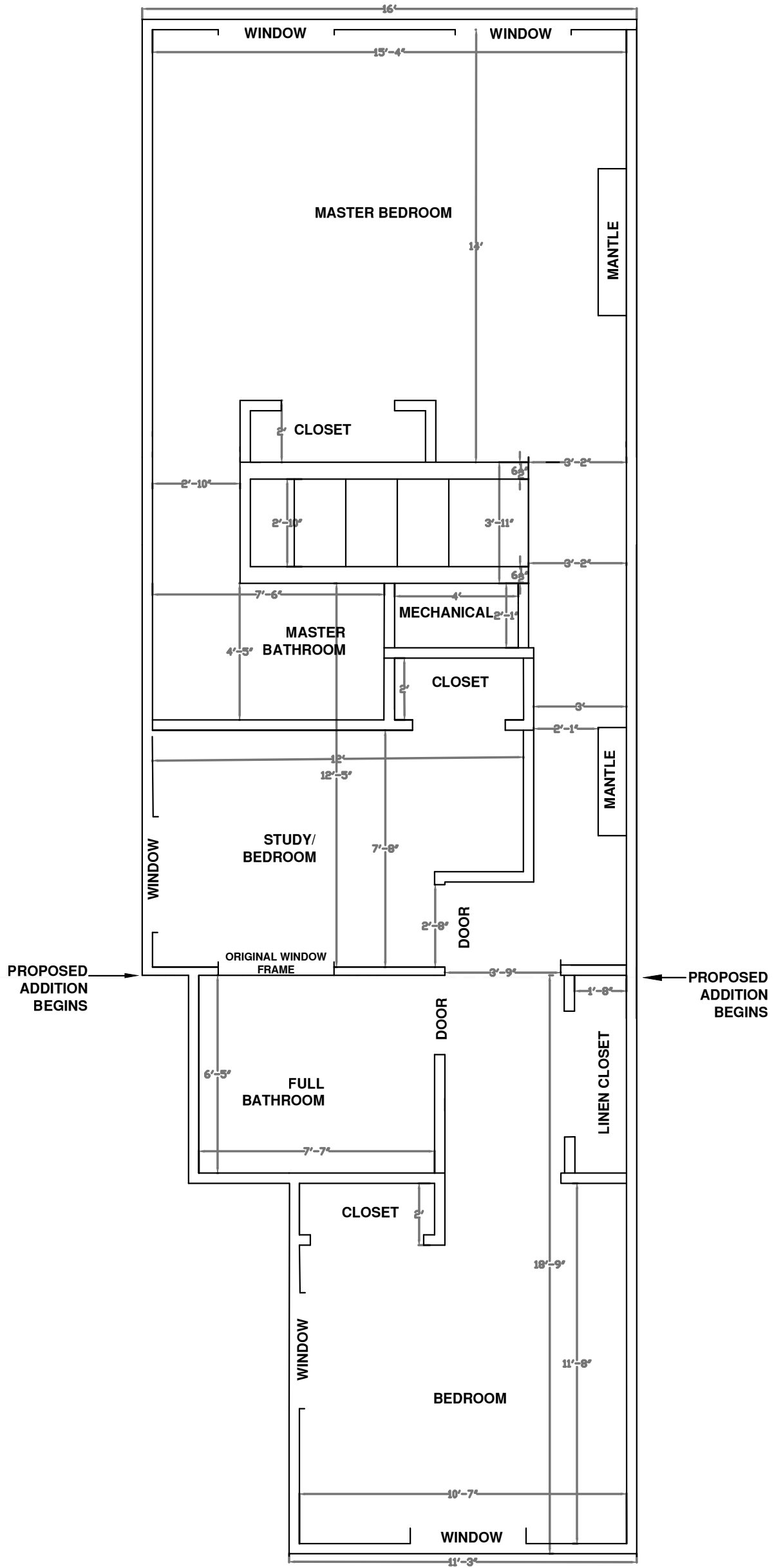
3413 S STREET

PROPOSED SITE PLAN

SCALE: 1/8" = 1'



SCALE: $\frac{1}{4}'' = 1'$

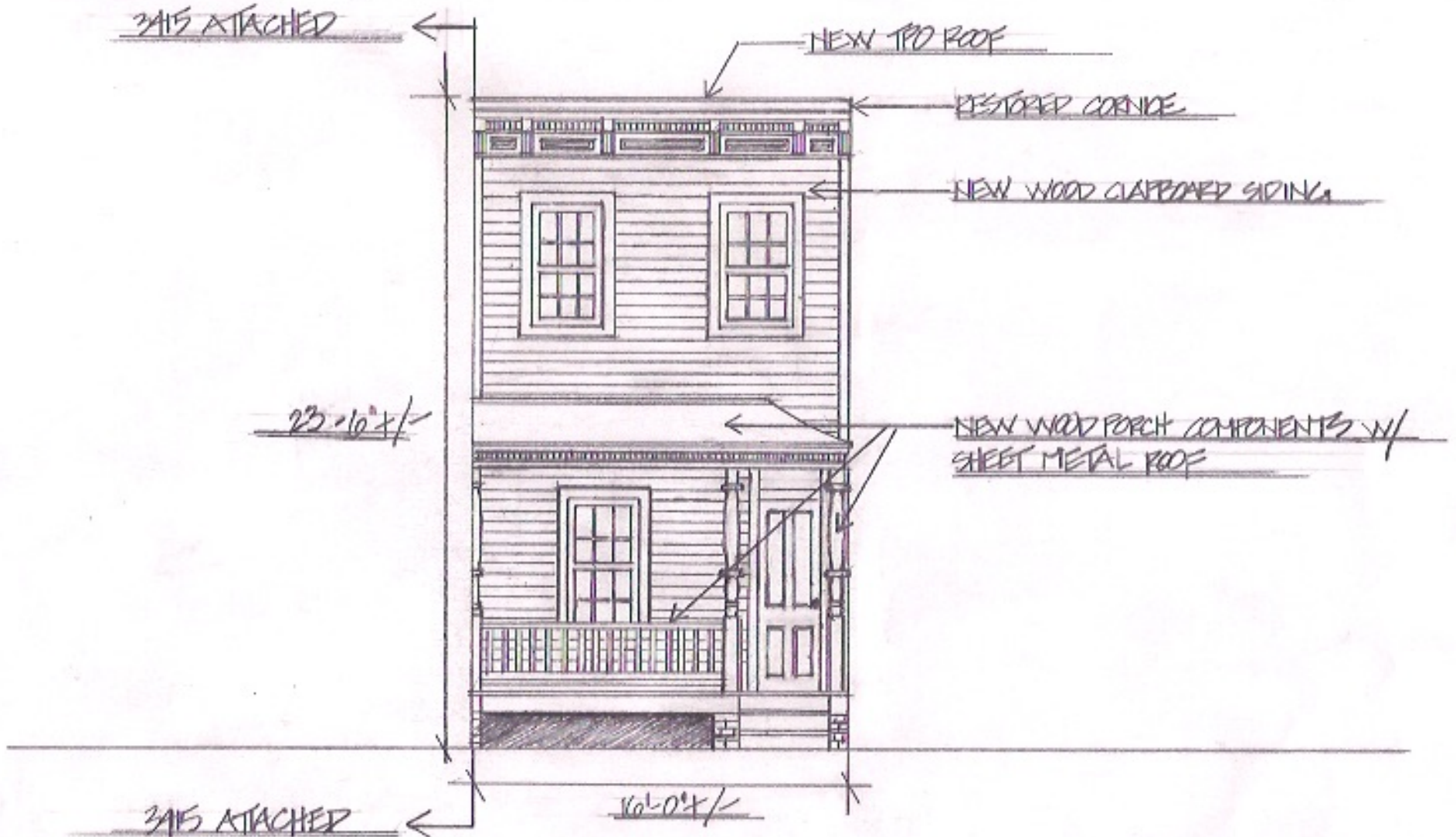


3413 S STREET
SECOND FLOOR-PROPOSED

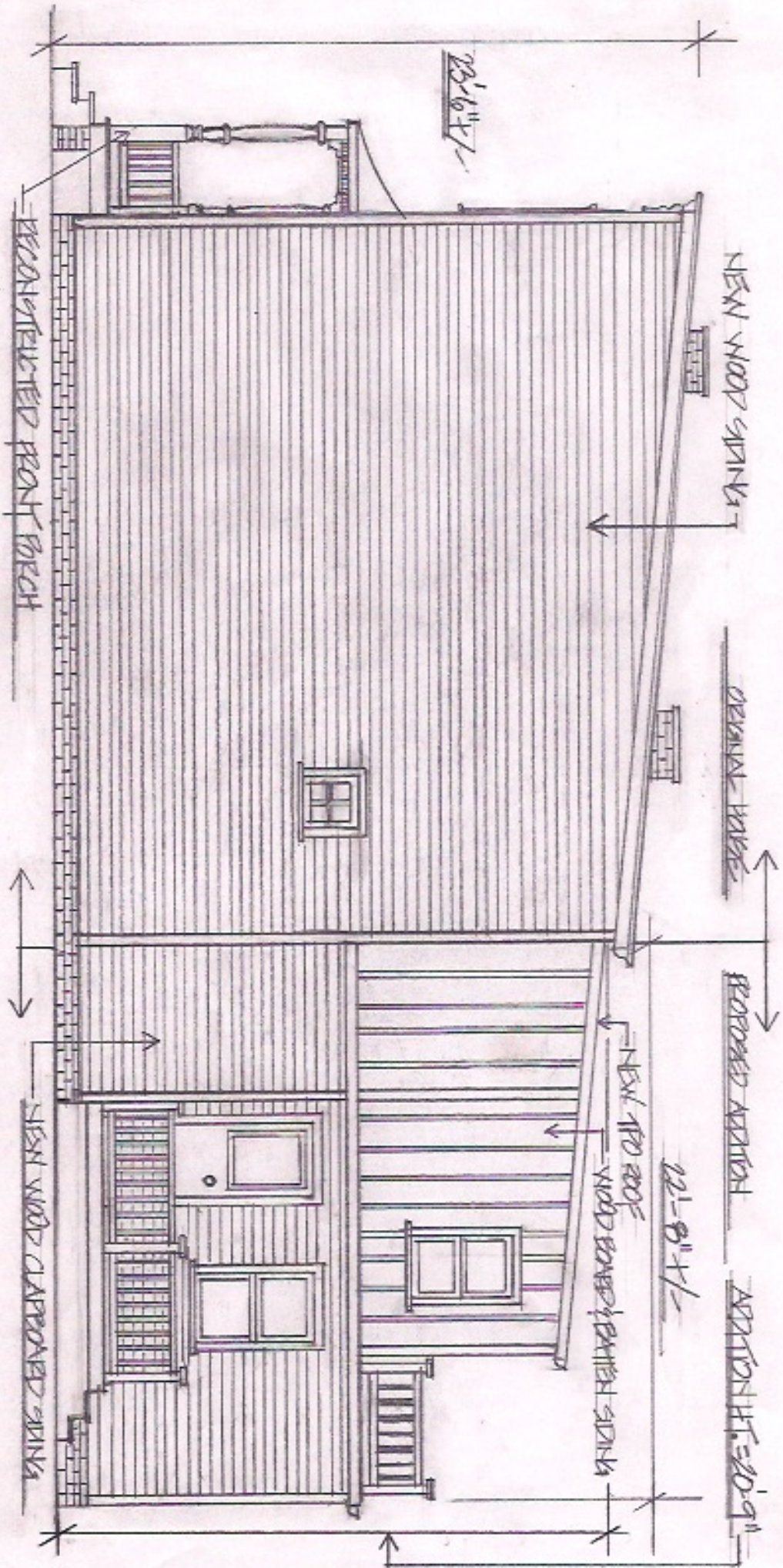
SCALE: $\frac{1}{4}'' = 1'$

3413 S STREET
FRONT ELEVATION

DRAWING NPS - DIMENSIONS APPROXIMATE



2413 S STREET
WEST ELEVATION
DRAWING NTS - DIMENSIONS APPROXIMATE



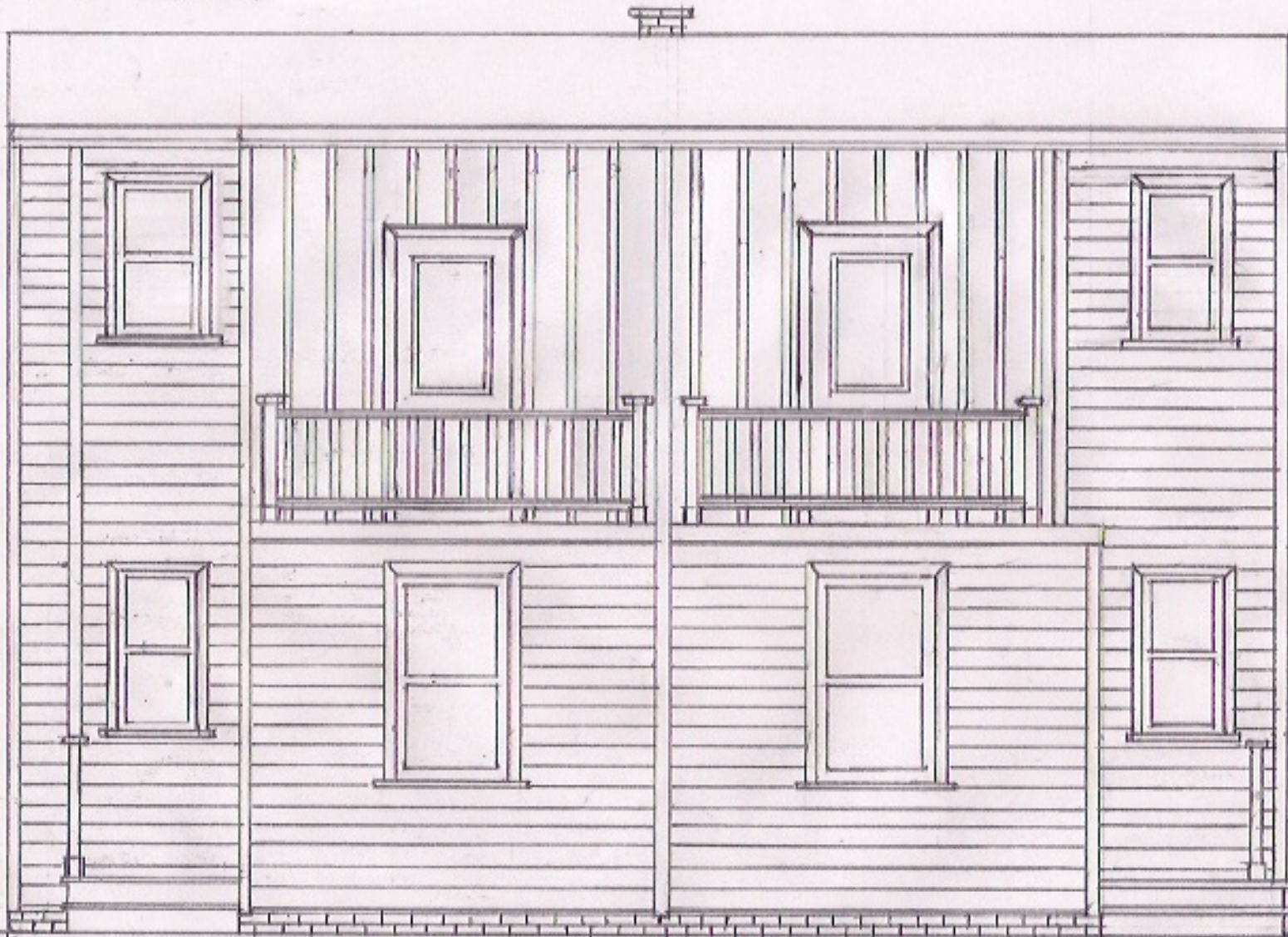
3413 S STREET

SCALE: 1/4" = 1'-0"
7-2-2017



3415 S STREET

LINE OF 3411 S STREET

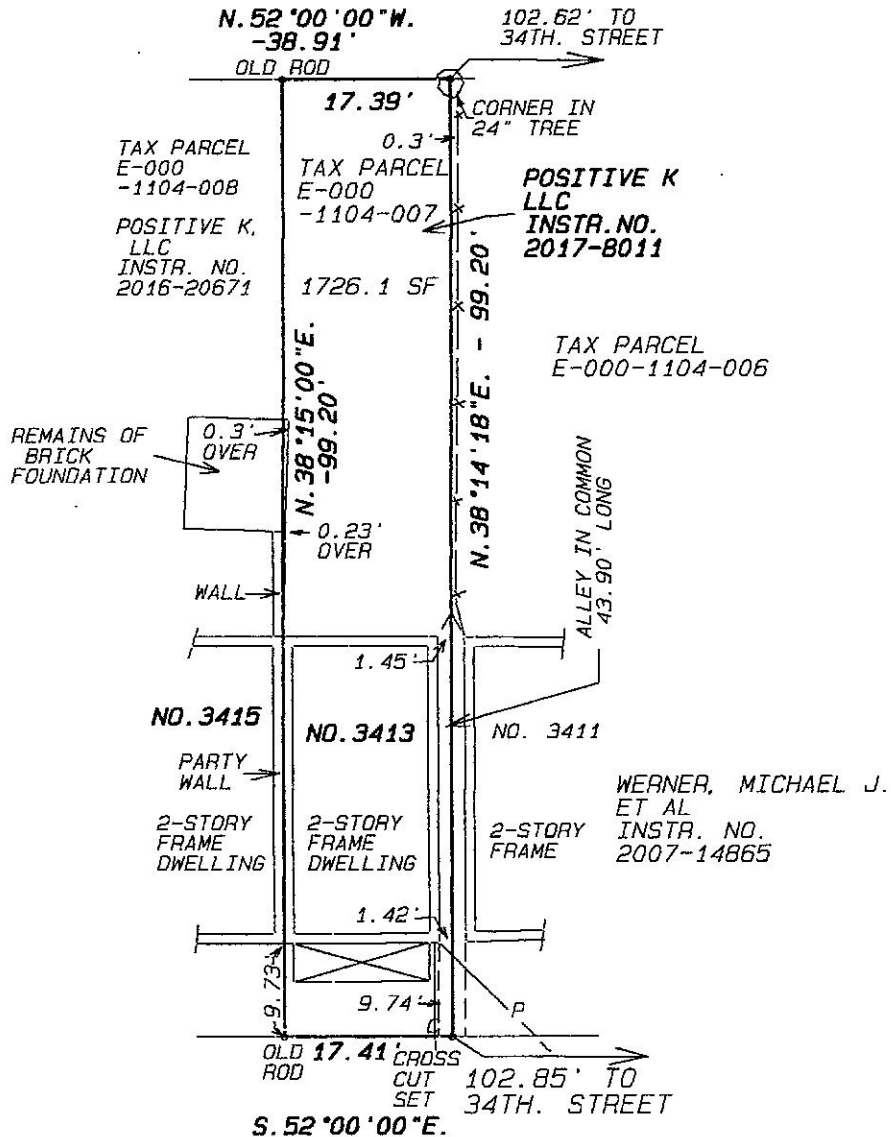


16'-4"

DRAWING SUPPLIED BY OWNER

1207 N. 34TH. STREET SERIES
 OF BLAKEMAN EQUITY TRUST
 TAX PARCEL E-000-1104-009
 INSTR. NO. 2007-37542

NO. 1204 N. 34TH. STREET



S STREET

NOTE:
 P = OVERHEAD POWER
 C = OVERHEAD CABLEVISION

NOTE: THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

PLAT OF PROPERTY SITUATED ON THE SOUTHERN LINE OF S STREET AND EAST OF 34TH. STREET CITY OF RICHMOND, VIRGINIA MAY 24, 2017 SCALE: 1"=20'



STEVEN B. KENT & ASSOCIATES, P.C.
 LAND SURVEYORS
 1521 Brook Road
 Richmond, VA 23220
 PH. 804-643-6113

CERTIFICATION

THIS IS TO CERTIFY THAT WE MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON, THAT ALL IMPROVEMENTS AND VISIBLE EASEMENTS ARE SHOWN HEREON, THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES, OR FROM SUBJECT PREMISES, OTHER THAN SHOWN HEREON.

FILE E-1104